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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,053	06/21/2000	Rodric C Fan	M-9199US	6523

32605 7590 08/19/2003

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EXAMINER

ISSING, GREGORY C

ART UNIT PAPER NUMBER

3662

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/599,053

Applicant(s)

FAN ET AL.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 70,71,74,75,78-80,83-85,88-90,93 and 94 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 70, 71, 74, 75, 78-80, 83-85, 88-90, and 93-94 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 August 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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1. The Finality of the last Office Action is withdrawn. The Amendment filed 8/8/03 is entered. Claims 70, 71, 74, 75, 78-80, 83-85, 88-90, and 93-94 are pending.
2. The requested drawing change is acknowledged and accepted.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 70, 71, 74, 75, 78-80, 83-85, 88-90, and 93-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn.

Bunn teaches the method and system substantially as claimed including a first mobile device 30 that determines location relevant-traffic information as well as on-board diagnostic information, including road conditions, weather, accidents, emergencies and traffic flow and then timely reports such to an HQ computer via a communication network (col. 6, lines 15-25). All customers, i.e., second (mobile) devices, have the capability to access the location-relevant information determined by the first mobile device if they have access to the HQ computer via a network such as the Internet (col. 6, lines 10-25). Also, the first mobile device provides the HQ with information regarding geo-position, state of sensors and state of OBD which information can be used to provide a real time direction and compass display (col. 5, lines 20-26). Bunn differs from the claimed subject matter since the information derived by the first mobile device is not adequately shown as being "pushed" to the second vehicle as defined by the instant application on page 3, lines 24-29 so as to distinguish over providing information "on-demand".

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However, in view of the fact that the HQ is provided with dynamic location-relevant traffic information, collision information and on-board diagnostic information from a plurality of first mobile device and has the capability of providing such information to a second party, via a cellular link or the Internet, and since Bunn suggests the provision of such information as a real-time direction and compass display (col. 5, lines 24-26) which provides improved safety and security and allows for timely repairs of the vehicles (col. 7, lines 29-32), it would have been obvious, if not impliedly suggested, for the information to be "pushed" to a second device in the instance where the second vehicle is an emergency vehicle or towing vehicle since neither would request the information on demand but rather would receive the information upon notification from the HQ, i.e., in the form of dispatching (col. 9, line 55).

Additionally note, Bunn teaches the "presentation of the information and merchant services being triggered by said local controller upon detecting that said vehicle is within or approaching one of a plurality of pre-stored geo-locations" (column 11, lines 21-25). Additionally, the information for display in the mobile device is normally pre-stored in the memory of the mobile device processor; the information may be updated from the HQ by cell phone communication at times which are transparent to the user (col. 9, lines 10-15).

The applicants argue that Bunn provides no motivation for "pushing" of the information and, therefore, the claimed subject matter is patentable. This argument is not persuasive since Bunn is deemed to at least suggest the "pushing" of the information to a second device wherein "pushing" is set forth in the instant application (page 3) as providing the information upon occurrence of a predetermined event or satisfaction of certain conditions (e.g. during a specified time period) as opposed to on-demand as via a request/query. In this case, the use of the

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information from the first mobile device to provide real-time compass and direction information as well as to allow for timely repair of damage or collision suggests the providing of information regarding the first mobile device geo-position and collision detection to a second device upon the occurrence of an event, i.e. an accident, via the HQ in a dispatching operation.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action with regard to the originally presented claims in the RCE (claims 37-69). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

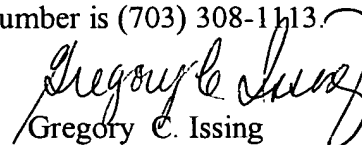
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
Gregory C. Issing  
Primary Examiner  
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gci